

REMARKS

Upon entry of the claim amendments and cancellations herein, Claims 1, 3, 5 – 7, 9 – 12, and 49 – 53 will be pending. Of these, Claims 49 – 53 are withdrawn. Claims 4, 8, 13 – 48, and 54 – 78 have been canceled herein.

Claim 1 has been amended to recite compositions further comprising a non-digestible, non-absorbable, open-celled HIPE foam. Support for this amendment is found throughout the specification, for example at pages 22 and 23 of the present specification. Applicants note that the specification has in detail defined the recited HIPE foam. Claim 49, directed to methods of treatment, has been similarly amended.

Claim 7 has been amended to recite compositions comprising about 0.001% to about 15% of the lipase inhibitor and about 0.1% to about 99% of the stiffening agent, all by weight of the composition. This amendment conforms with the “metes and bounds” rejection the Examiner has previously presented. Support for these amendments is found in the specification at pages 12 and 16.

Claim 9 has been amended to recite compositions comprising about 0.2% to about 95% of the stiffening agent, all by weight of the composition. This amendment conforms with the “metes and bounds” rejection the Examiner has previously presented. Support for these amendments is found in the specification at page 12.

Claim 10 has been amended to recite compositions comprising about 0.8% to about 95% of the stiffening agent, all by weight of the composition. This amendment conforms with the “metes and bounds” rejection the Examiner has previously presented. Support for these amendments is found in the specification at page 12.

Claim 51 has been amended to recite compositions comprising about 0.1% to about 99% of the stiffening agent, all by weight of the composition. This amendment conforms with

the “metes and bounds” rejection the Examiner has previously presented. Support for these amendments is found in the specification at page 12.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

The Rejections Under 35 USC §103(a)

Claims 1 and 3 – 30 have been rejected as being unpatentable over Smidt in view of Maeder. Of these, Claims 1, 3, 5 – 7, and 9 – 12 are pending upon entry of the claim amendments and cancellations herein. Based on the amendment of independent Claim 1 herein, upon which Claims 3, 5 – 7, and 9 – 12 depend, the rejection is now moot; this amendment requires that the claimed compositions comprise a non-digestible, non-absorbable, open-celled HIPE foam. Among other reasons why these claims are patentable over this combination of references, these references fail to teach or even suggest these compositions comprising the stiffening agent, the lipase inhibitor and the HIPE foam.

Moreover, the rejection of Claims 31 – 36 and 71 is now moot in view of the cancellation of these claims herein.

In view of the claim amendments and cancellations herein, Applicants respectfully request that the Examiner withdraw the rejections based on 35 USC §103(a) and promptly allow the pending claims.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Appl. No. 10/699,351
Docket No. 9129L
Customer No. 27752

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /Kelly L. McDow/

Signature

Kelly L. McDow

Registration No. 43,787

(513) 983-3798

Date: January 27, 2010
Customer No. 27752